

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

**In re: Methyl Tertiary Butyl Ether
("MTBE")
Products Liability Litigation**

MDL NO. 1358 (SAS)
Master File No. 1:00-1898

**DEFENDANT PETRO-
DIAMOND
INCORPORATED'S NOTICE
OF MOTION AND MOTION
FOR ORDER DETERMINING
GOOD FAITH SETTLEMENT**

This Document Relates To:
*Orange County Water District v. Unocal
Corp., et al.* 04 Civ. 4968 (SAS)

**DEFENDANT PETRO-DIAMOND INCORPORATED'S NOTICE OF
MOTION AND MOTION FOR ORDER DETERMINING GOOD FAITH
SETTLEMENT**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on _____, 2011, at ___ a.m./p.m., or a date and time determined by the Court, at the Courthouse located at 500 Pearl Street, New York, New York 10007, Defendant Petro-Diamond Incorporated ("PDI") will move this Court for (1) an order determining that the Settlement Agreement and Release between Plaintiff and PDI (Exhibit A to the Declaration of Brian D. Langa) is a good faith settlement pursuant to California Code of Civil Procedure §§ 877 and 877.6; (2) entry of judgment under Fed. R. Civ. P. 54(b); and (3) such other relief that the Court deems just and proper.

This motion is based upon the grounds that the settlement described above was entered into in good faith and is within the "reasonable range" of the settling defendant's proportional share of comparative liability, if any, and that,

accordingly, PDI is entitled to an order determining the good faith of the settlement pursuant to California Code of Civ. Proc. §§ 877 and 877.6 and entry of judgment under Fed. R. Civ. P. 54(b).

PDI's motion is based on this notice of motion and motion for order determining good faith settlement, the accompanying memorandum of points and authorities, the accompanying declaration of Brian D. Langa, and any further documents or pleadings that may be presented at or before the hearing on this motion.

Respectfully submitted,

DATED: May 16, 2011

By: /s/
 Brian D. Langa
 (pro hac vice)
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Francis, LLP**
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Incorporated

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served via LexisNexis File and Serve upon all counsel of record on May 16, 2011.

/s/

Brian D. Langa